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Attorneys for Defendant
Otto Trucking LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF HAYES P. HYDE IN
SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
[DKT. 1526]**

Courtroom: 8
Judge: Hon. William Alsup
Trial: October 10, 2017

I, Hayes P. Hyde, declare as follows:

1. I am an attorney at the law firm of Goodwin Procter, LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Plaintiff's Administrative Motion to File Under Seal Portions of Its Opposition to Defendants' Motion for Summary Judgment ("Opposition") and Exhibits 26, 29, 30, and 31 attached thereto [Dkt. No. 1526].

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Dkt. No.	Document	Portions to Be Filed Under Seal
1526	Waymo's Opposition	Portions Highlighted in blue
	Exhibit 26 to Jaffe Declaration	Portions Highlighted in yellow and red
	Exhibit 29 to Jaffe Declaration	Portions Highlighted in blue
	Exhibit 30 to Jaffe Declaration	Portions Highlighted in red
	Exhibit 31 to Jaffe Declaration	Entire Document

3. The highlighted portions of the Opposition include highly confidential, sensitive

1 business information relating to negotiations of the terms of Otto Trucking's agreements, its
2 corporate structure, and sensitive financial and business information. This information is not
3 publicly known, and its confidentiality is strictly maintained. I understand that this information
4 could be used by competitors to Otto Trucking's detriment, including in the context of negotiating
5 business deals. If such information were made public, I understand Otto Trucking's competitive
6 standing could be significantly harmed.

7 4. I believe that at least portions of the Opposition also contain references to highly
8 confidential sensitive financial and business information and highly confidential technical
9 information of co-defendants Uber and Ottomotto. I understand that disclosure of this information
10 would allow Uber's competitors to gain detailed knowledge into the technical specifications of
11 Uber's LiDAR sensors and use this knowledge to tailor their own LiDAR development, such that
12 Uber's competitive standing could be significantly harmed.

13 5. The highlighted portions of Exhibit 26 include highly confidential, sensitive
14 business information relating to negotiations of the terms of Otto Trucking's agreements, and its
15 corporate structure. This information is not publicly known, and its confidentiality is strictly
16 maintained. I understand that this information could be used by competitors to Otto Trucking's
17 detriment, including in the context of negotiating business deals. If such information were made
18 public, I understand Otto Trucking's competitive standing could be significantly harmed.

19 6. The highlighted portions of Exhibit 29 include highly confidential, sensitive
20 business information relating to negotiations of the terms of Otto Trucking's agreements, its
21 corporate structure, and sensitive financial and business information relating to its operations. This
22 information is not publicly known, and its confidentiality is strictly maintained. I understand that
23 this information could be used by competitors to Otto Trucking's detriment, including in the
24 context of negotiating business deals. If such information were made public, I understand Otto
25 Trucking's competitive standing could be significantly harmed.

26 7. I believe that at least portions of Exhibit 29 also contain references to highly
27 confidential sensitive financial and business information of co-defendants Uber and Ottomotto. I
28 understand that this information could be used by competitors to Uber's and Ottomotto's

1 detriment, including in the context of negotiating business deals. If such information were made
2 public, I understand Uber's and Ottomotto's competitive standing could be significantly harmed.

3 8. The highlighted portions of Exhibit 30 include highly confidential, sensitive
4 business information relating to negotiations of the terms of Otto Trucking's agreements, highly
5 confidential sensitive financial information, and its corporate structure. This information is not
6 publicly known, and its confidentiality is strictly maintained. I understand that this information
7 could be used by competitors to Otto Trucking's detriment, including in the context of negotiating
8 business deals. If such information were made public, I understand Otto Trucking's competitive
9 standing could be significantly harmed.

10 9. The entirety of Exhibit 31 contains highly confidential, sensitive business
11 information relating to negotiations of the terms of Otto Trucking's agreements, highly
12 confidential sensitive financial information, and its corporate structure. This information is not
13 publicly known, and its confidentiality is strictly maintained. I understand that this information
14 could be used by competitors to Otto Trucking's detriment, including in the context of negotiating
15 business deals. If such information were made public, I understand Otto Trucking's competitive
16 standing could be significantly harmed.

17 10. I believe that at least portions of Exhibit 31 also contain references to highly
18 confidential sensitive financial and business information of co-defendants Uber and Ottomotto. I
19 understand that this information could be used by competitors to Uber's and Ottomotto's
20 detriment, including in the context of negotiating business deals. If such information were made
21 public, I understand Uber's and Ottomotto's competitive standing could be significantly harmed.

22 11. Defendant's request to seal is narrowly tailored to those portions of the Opposition
23 and Exhibits 26, 29, 30, and 31 that merit sealing.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct. Executed this 18th day of September, 2017 in San Francisco, California.

26
27 /s/ Hayes P. Hyde
Hayes P. Hyde
28

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on September 18, 2017. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 18th day of September 2017.

/s/ Hayes P. Hyde
Hayes P. Hyde